

REMARKS

The Examiner is provided with a copy of a previously submitted Information Disclosure Statement (Attachment A). A copy of the postcard acknowledging receipt of the Information Disclosure Statement by the USPTO is also enclosed (Attachment B). The Statement was not acknowledged in the last Office Action.

A supplemental Information Disclosure Statement accompanies this Amendment.

Claims 1-6 have been canceled.

New claims 18-21 are presented for prosecution.

Claims 7-21 remain pending in the application.

Claims 7-17 are rejected under 35 U.S.C. §103(a) over Scholten et al. U.S. 5,108,404 in view of Wang et al. U.S. 5,403,340 and Scholten '404 in view of Wang '340 and further in view of Levy U.S. 4,490,421. The cited references, alone or in combination, do not teach or suggest a method of treating bone including the step of expanding a body in cancellous bone to create a void that occupies less than the interior volume.

Reconsideration in view of the foregoing amendments and remarks and allowance of claims 7-21 is respectfully requested.

Respectfully Submitted,

By Patricia A. Limbach
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Kypkor/2570-CIP 4 CDN/040213 Amend A

Enclosures: Amendment Transmittal Letter
Attachment A
Attachment B
Return Postcard

Continuation application of Mark A. Reiley, Arie Scholten, Karen D. Talmadge, Robert M. Scribner, and Michael L. Reo entitled A Sterile Kit for Holding a Single Use, Expandable Structure Intended for Deployment in Bone, consisting of: transmittal letter (with added pages for continuing data); 26 pages specification, 1 page claims, 1 page abstract, 9 sheets of information drawings, copy of Declaration/Power of Attorney, Verified Statement and Assignment from parent application; Preliminary Amendment, Information Disclosure Statement (transmittal letter, form PTO 1449 - copies of references not included); copy of Petition for Extension of Time filed in parent application, and Check No. 7937 \$490.00

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